

Metropolitan Water Reclamation District of Greater Chicago

100 East Erie Street
Chicago, IL 60611



Regular Board Meeting Minutes

Thursday, October 1, 2009

10:00 AM

Board Room

Board of Commissioners

*Commissioner Frank Avila, Commissioner Patricia Horton, Chairman of Finance
Gloria Alitto Majewski, Commissioner Barbara J. McGowan, Vice-President Kathleen
Therese Meany, Commissioner Cynthia M. Santos, Commissioner Debra Shore,
Commissioner Mariyana T. Spyropoulos, President Terrence J. O'Brien*

THE FOLLOWING PROCEDURES WILL GOVERN THE MEETING PROCESS:

- 1. Board Members who vote "Nay, Present, or Abstain" or have a question on any item
may request the item be removed from the Consent Agenda.*
- 2. Citizens in the audience who address the Board on any item may request the item be
removed from the Consent Agenda.*
- 3. Items removed from the Consent Agenda are considered separately.*
- 4. One roll call vote is taken to cover all Consent Agenda Items.*

Call Meeting to Order

President Terrence J. O'Brien presiding, called the meeting to order at 10:00 a.m.

Roll Call

Present: 9 - Frank Avila; Patricia Horton; Gloria Alitto Majewski; Barbara J. McGowan; Kathleen Therese Meany; Cynthia M. Santos; Debra Shore; Mariyana T. Spyropoulos; and Terrence J. O'Brien

Approval of Previous Board Meeting Minutes

A motion was made by Debra Shore, seconded by Patricia Horton, that the minutes from the last meeting be approved without having to read them into the record. The motion carried by acclamation. Chorus of ayes - No nays

Recess and Reconvene as Board of Commissioners

At 11:50 a.m. President O'Brien reconvened the regular board meeting to order

Finance Committee

Report

1 [09-1378](#) Report on the investment interest income during August 2009

Attachments: [Inv Int Inc 2009-08 att.pdf](#)

Published and Filed

Procurement Committee

Report

2 [09-1342](#) Report of bid opening of Tuesday, September 15, 2009

Published and Filed

3 [09-1341](#) Report of bid opening of Tuesday, September 22, 2009

Published and Filed

4 [09-1374](#) Report on rejection of bids for Contract 09-419-11, Elevator Maintenance and Repair Service at the Main Office Building Complex for a Three Year Period, estimated cost \$142,700.00 (As Revised)

Published and Filed

Authorization

5 [09-1338](#) Authorization to amend the agreement with DLA Piper U S LLP (DLA Piper) to represent the District's interest in the ComEd delivery rate proceeding before the Illinois Commerce Commission as a member of the REACT Coalition, Account 101-67000/68000/69000-612150, Purchase Order 3051424

Approved

6 [09-1349](#) Authorization to amend Board Order of September 17, 2009, regarding authority to award Contract 09-445-11, Provide Microsoft Operating System Training to the MWRDGC, to 42 North Group, Inc., d/b/a Microtrain, in an amount not to exceed \$29,950.00, Account 101-27000-601100, Requisition 1275184, Agenda Item No. 4, File No. 09-1300

Approved

7 [09-1350](#) Authorization to amend Board Order of September 3, 2009, regarding authority to award Contract 09-761-11, Masonry Repairs at the North Side Water Reclamation Plant, to Restore Masonry, LLC, in an amount not to exceed \$313,200.00, Account 101-67000-612680, Requisition 1256322, Agenda Item No. 46, File No. 09-1255

Approved

8 [09-1353](#) Authorization to amend Board Order of September 3, 2009, regarding authority to decrease Contract 06-156-3P Grit Piping Replacement, Stickney Water Reclamation Plant to Independent Mechanical Industries, Inc. in an amount of \$15,411.00, from an amount of \$2,855,072.00 to an amount not to exceed \$2,839,661.00, Account 401-50000-645750, Purchase Order 5000891

Approved

9 [09-1367](#) Authorization to amend Board of Order of September 3, 2009, regarding authority to increase purchase order and amend agreement for Dykema Gossett, PLLC to represent the District in the lawsuit of Metropolitan Water Reclamation District of Greater Chicago v. Terra Foundation et al. Case No. 06-CH-13817 involving the District's interest in the alley adjacent to its Main Office Building (100 East Erie Street) in an amount of \$200,000.00, from an amount of \$860,000.00, to an amount not to exceed \$1,060,000.00, Account 101-30000-601170, Purchase Order 3037852

Approved

Authority to Advertise

10 [09-1352](#) Authority to advertise Contract 10-625-11 Diving Services at Various Locations, estimated cost not to exceed \$95,000.00, Account 101-66000-612490, Requisition 1278638

Approved

11 [09-1373](#) Authority to advertise Contract 09-775-11 Snow Removal and Road Salting Services at the Hanover Park Water Reclamation Plant, estimated cost \$25,000.00, Account 101-67000-612420, Requisition 1285035.

Approved

Issue Purchase Order

12 [09-1354](#) Issue a purchase order to DLT Solutions, Inc., for the renewal of the Autodesk Subscription Program, in an amount not to exceed \$60,860.70, Accounts 201-50000-601170 and 612820, Requisition 1285038

Approved

13 [09-1366](#) Issue purchase orders for Contract 09-603-12 (Re-Bid), Furnish and Deliver Bulk, Roadway Rock Salt to Various Service Areas, to Morton International, Inc., Morton Salt Division, in an amount not to exceed \$214,080.96, Accounts 101-67000, 68000, 69000-623130, Requisitions 1268188, 1252939, 1254214, 1255661, and 1265984

Approved

14 [09-1368](#) Issue purchase order to Hach Company, to Furnish and Deliver Three Amtaxsc Ammonia Analyzers to the Egan, Hanover Park, and North Side Water Reclamation Plants, and to Furnish and Deliver One Model 1600 Dipper Sampler with Bottle Kits to the North Side Water Reclamation Plant, in an amount not to exceed \$72,964.50, Accounts 101-67000-634650, 623570, Requisitions 1281253 and 1282285

Approved

15 [09-1376](#) Issue purchase order and enter into an agreement with Emerson Process Management Power & Water Solutions, Inc., for services to provide a Radio Paper Path Study for Waterways' Remote Rain Gauge and Water Level System in an amount not to exceed \$15,539.00, Account 101-66000-612620, Requisition 1286802

Approved

16 [09-1381](#) Issue purchase order to Risk Management Resources, Inc. for Furnishing Excess Marine Liability Insurance Coverage for District Marine Vessels in an amount not to exceed \$16,735.00, Account 101-30000-612290, Requisition 1283307

Approved

Award Contract

17 [09-1375](#) Authority to award Contract 09-964-11, Tuckpointing and Rehabilitation for the Aeration Battery C Gallery and Gate House at the Stickney Water Reclamation Plant, to Path Construction Company, in an amount not to exceed \$526,000.00, Account 101-69000-612680, Requisition 1267384

Attachments: [APP D 09-964-11.pdf](#)

Approved

18 [09-1377](#) Authority to award Contract 09-876-11, Roof Repairs and Replacement in the Calumet Service Area, to Trinity Roofing Services, Inc., in an amount not to exceed \$86,257.00, Account 101-68000-612680, Requisition 1261850

Approved

Increase Purchase Order/Change Order

19 [09-1330](#) Authority to decrease Contract 07-663-11, Landscape Maintenance at Various Locations in the North Side Water Reclamation Plant Area, Group A, to A Natural Choice Shamrock Landscaping & Installation, in an amount of \$38,481.33, from an amount of \$148,000.00 to an amount not to exceed \$109,518.67, Account 101-67000-612420, Purchase Order 5000716

Attachments: [07-663-11 Attachment for BL Decr.pdf](#)

Approved

20 [09-1331](#) Authority to decrease Contract 07-847-11, Truck Hauling of Liquid Biosolids from the Lemont Water Reclamation Plant to Various Locations, to Si-Tech Industries, Inc., in an amount of \$17,867.60, from an amount of \$231,000.00, to an amount not to exceed \$213,132.40, Account 101-68000-612520, Purchase Order 5000741

Attachments: [07-847-11 \(Change Order\).pdf](#)

Approved

21 [09-1332](#) Authority to increase purchase order and amend the agreement with J. D. Wilson Associates, Inc., to Furnish and Deliver One Vaughan Chopper Pump with Parts; to Rebuild Existing Vaughan Chopper Pumps and to Provide Services on an as-needed basis at the Calumet Water Reclamation Plant, in an amount of \$25,050.00, from an amount of \$41,150.00, to an amount not to exceed \$66,200.00, Accounts 101-68000-612650, 623270, Purchase Order 3056686

Approved

22 [09-1345](#) Authority to decrease purchase order and amend the agreement with Steven A. Laser and Associates, for Contract 05-RFP-17, Various Psychological Testing Services for Police Candidates, in an amount of \$2,825.00, from an amount of \$61,500.00 to an amount not to exceed \$58,675.00. Account 101-25000-601170, Purchase order 3036795

Attachments: [PO 3036795 Change order attachment.pdf](#)

Approved

23 [09-1346](#) Authority to decrease Contract 01-198-AD Demolition of Sludge Disposal Building and Rehabilitation of Pump and Blower House, and Coarse Screen Building at the Stickney Water Reclamation Plant, with IHC Construction Companies, LLC, in an amount not to exceed \$17,132.50, from an amount of \$29,611,999.11 to an amount not to exceed \$29,594,866.61, Accounts 101-50000-612680, 401-50000-645680, and 645780, Purchase Order 5000961

Attachments: [C.O. 01-198-AD](#)

Approved

24 [09-1347](#) Authority to increase Contract 03-RFP-03 (73-161-CH) McCook Reservoir Overburden Removal Lawndale Avenue Solids Management Area, to Walsh Construction Company of Illinois, in the amount of \$450,000.00, from an amount of \$65,366,127.49, to an amount not to exceed \$65,816,127.49, Account 401-50000-645620, Purchase Order 5000113

Attachments: [C.O. 03-RFP-03](#)

Approved

25 [09-1348](#) Authority to increase Contract 93-232-2M Hydraulic Improvements at the Calumet Water Reclamation Plant, to IHC Construction/FHP Tectonics, Joint Venture, in an amount of \$28,209.36 from an amount \$122,011,797.01 to an amount not to exceed \$122,040,006.37, Accounts 401-50000-645650 and 645750, Purchase Order 5000623

Attachments: [C.O. 93-232-2M](#)

Approved

26 [09-1351](#) Authority to decrease purchase order to Ashbrook Simon-Hartley Operations, L.P., for furnishing and delivering replacement parts, on an as-needed basis, for Ashbrook gravity belt thickeners at the Egan Water Reclamation Plant, in an amount of \$14,000.00, from an amount of \$60,000.00, to an amount not to exceed \$46,000.00. Account 101-67000-623270, Purchase Order 3042668

Approved

27 [09-1355](#) Authority to decrease Contract 08-635-12, Furnishing and Delivering Polymer to the Calumet Water Reclamation Plant Area, Groups A and B, to Polydyne, Inc., in an amount of \$172,538.88, from an amount of \$1,010,000.00, to an amount not to exceed \$837,461.12. Account 101-68000-623560, Purchase Order 3051694

Approved

28 [09-1361](#) Authority to decrease Contract 07-663-11, Landscape Maintenance at Various Locations in the North Side Water Reclamation Plant Area, Group B, to Alaniz Landscaping Group Co., in an amount of \$67,505.90, from an amount of \$144,000.00 to an amount not to exceed \$76,494.10, Account 101-67000-612420, Purchase Order 5000709

Attachments: [07-663-11 Attachment for BL Decr.pdf](#)

Approved

29 [09-1362](#) Authority to decrease Contract 07-663-11, Landscape Maintenance at Various Locations in the North Side Water Reclamation Plant Area, Group C, to Classic Landscape, LTD, in an amount of \$62,460.00, from an amount of \$174,000.00 to an amount not to exceed \$111,540.00, Account 101-67000-612420, Purchase Order 5000720

Attachments: [07-663-11 Attachment for BL Decr.pdf](#)

Approved

30 [09-1363](#) Authority to decrease Contract 08-RFP-21 Native Landscape Conversion and Management at Various Service Areas, to Tallgrass Restoration, LLC, in an amount of \$99,370.43, from an amount of \$102,923.20, to an amount not to exceed \$3,552.77, Accounts 101-67000/68000/69000-601170, Purchase Orders 3056705, 3056706, and 3056707

Attachments: [Tallgrass Restoration 3056705 - 707.pdf](#)

Approved

31 [09-1364](#) Authority to decrease Contract 07-976-11 for Services to Maintain and Repair Boilers at the Stickney Water Reclamation Plant and Racine Avenue Pumping Station, to Independent Mechanical Industries, Inc., in an amount of \$46,964.71, from an amount of \$474,514.00, to an amount not to exceed \$427,549.29, Account 101-69000-612650, Purchase Order 5000633

Attachments: [07-976-11 decrease attachment.pdf](#)

Approved

32 [09-1365](#) Authority to decrease purchase order and amend the agreement with Marshall-Bond Pumps, Inc., for furnishing and delivering parts for Dorr-Oliver grinders and for two new Dorr-Oliver grinders to the Calumet Water Reclamation Plant, for a three year period, in an amount of \$52,801.61, from an amount of \$253,710.00 to an amount not to exceed \$200,908.39, Account 101-68000-623270, Purchase Order 3048468

Attachments: [Marshall Bond Attachment.pdf](#)

Approved

Affirmative Action Committee

Authorization

33 [09-1369](#) Request for Orders Adopting Hearing Officer's findings of fact, conclusions of law and recommendation to the Board of Commissioners for imposition of sanctions for a contractor's noncompliance with the District's Affirmative Action Ordinance, Revised Appendix D, in the matter of Metropolitan Water Reclamation District of Greater Chicago v. Rebacz Trucking, Inc., and Brunt Bros. Transfer, Inc., Affirmative Action Show Cause No. 09-001, Contract No. 07-947-11

Barbara J. McGowan lifted her earlier deferral

Approved

Engineering Committee

Authorization

34 [09-1380](#) Authority to approve and execute an easement agreement with Proviso Township for the Westdale Gardens Pumping Station & Force Main, Northwest 8A Extension A, Stickney Service Area (Contract 07-162-3S, ROW File 3), consideration \$15,000.00, Account 401-50000-667340

Approved

35 [09-1382](#) Authority to approve the purchase of land and acquire permanent easements from the Village of Thornton for the Tollway Dam, Grout Curtain and Quarry Plug, Thornton Composite Reservoir (Contract 04-201-4F, ROW File 4), consideration \$240,730.00, Account 401-50000-656010

Attachments: [Easements - Village of Thornton](#)

Approved

Judiciary Committee

Report

36 [09-1335](#) The General Counsel Reports on the Settlement of Workers' Compensation Claim

Attachments: [Wrks Comp Settlement](#)

Published and Filed

37 [09-1360](#) Report on the Release of Executive Session Transcripts

Published and Filed

Authorization

38 [09-1324](#) Authority to settle the Workers' Compensation Claim of John Gesell vs. MWRDGC, Claim Nos. 0200003688 and 0200004098, Illinois Workers' Compensation Commission, in the sum of \$34,066.90 Account 901-30000-601090

Approved

Real Estate Development Committee**Authorization**

39 [09-1336](#) Authority to issue a 10-year Easement to Praxair, Inc. to continue to operate, maintain, repair, replace, and remove an 8-inch underground oxygen pipeline within a 1650' x 15' area of District land located on the south side of 127th Street, west of Edbrooke Avenue in Chicago, Illinois. Consideration shall be an initial annual fee of \$11,138.00

Attachments: [10-01-09 Praxair_Map.pdf](#)

Approved

40 [09-1337](#) Authority to grant a 2-year extension to an easement, retroactive to June 1, 2009, to the United States Army Corps of Engineers for the continued operation and maintenance of an aquatic nuisance species barrier in the Main Channel, north of the 135th Street Bridge, in Will County, Illinois. Consideration shall be \$10.00

Approved

41 [09-1371](#) Authority to issue an 18-month permit extension retroactive to January 1, 2009, to the Village of McCook for the continued use of 2 sites comprising approximately 1.4 acres of land located at the southwest corner of the intersections of Pershing Road and Central Avenue, Stickney, Illinois, consisting of Main Channel Parcel 38.03 and an adjacent parcel of land located on the border of the Stickney Water Reclamation Plant for use as a water pumping station and underground reservoir. Consideration shall be an annual fee of \$25,500.00

Attachments: [Map of Parcel 38-03 - McCook](#)

Approved

42 [09-1372](#) Issue orders authorizing the General Counsel to negotiate with the Village of McCook for the sale of 2 contiguous sites totaling approximately 1.4 acres of land located at the southwest corner of the intersection of Pershing Road and Central Avenue, Stickney, Illinois, consisting of Main Channel Parcel 38.03 and an adjacent parcel of land located on the border of the Stickney Water Reclamation Plant for fair market value

Attachments: [Map of Parcel 38.03 - McCook](#)

Approved

43 [09-1379](#) Authority to issue a 60-day permit to BP Products North America, Inc. to conduct soil borings within Main Channel Atlas Parcel 37.11 currently occupied under permit by SPI Petroleum and adjacent to the BP leasehold site located at 4801 South Harlem Avenue in Forest View. Consideration shall be \$2,000.00

Attachments: [Map Parcel 37-11 - Forest View](#)

Approved

Miscellaneous and New Business

Resolution

44 [09-1328](#) RESOLUTION sponsored by the Board of Commissioners congratulating the Cosmopolitan Chamber of Commerce on its 76th year of existence and its 41st Annual "Evening with Friends" Award Gala

A motion was made by Gloria Alitto Majewski, seconded by Barbara McGowan that this Resolution be Adopted. The motion carried by acclamation. Chorus of ayes – No nays

Approval of the Consent Agenda with the exception of Item: 44

A motion was made by Gloria Alitto Majewski, seconded by Barbara J. McGowan, to Approve the Consent Agenda. The motion carried by the following roll call vote:

Aye: 9 - Frank Avila, Patricia Horton, Gloria Alitto Majewski, Barbara J. McGowan, Kathleen Therese Meany, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Terrence J. O'Brien

Meeting Summary

Speakers

Carnice Carey, President, Cosmopolitan Chamber of Commerce, accepted the resolution commemorating its 76th year of existence and its 41st annual "Evening with Friends" Aware Gala. (Re: Miscellaneous and New Business Item 44)

William Thornton, Parkway Elevators, Inc., addressed the board regarding his company's bid qualification for the contract. (Re: Procurement Item 4)

Summary of Requests

Richard Lanyon

Debra Shore requested that a report be provided on how the bid requirement for years of experience on contracts is determined. (Re: Procurement Item 4)

Richard Lanyon

Cynthia Santos requested the transmittal letters to correct errors state whether the error is typographical or monetary. (Re: Procurement Items 6, 7, 8, and 9)

Shore requested that staff implement a new process to review transmittal letters thoroughly to avoid errors. (Re: Procurement Items 6, 7, 8, and 9)

Richard Lanyon

Debra Shore requested a report on alternative deicing compounds. (Re: Procurement Item 14)

Announcements

Richard Lanyon discussed probable actions from state and federal agencies' rapid response plan to handle the Asian carp infestation.

Debra Shore announced that the Draft Watershed Management Ordinance and Draft Technical Guidance Manual are available on the District's web site. The public has the opportunity to review and comment for the next 90 days.

Board Letter Submission Dates

The next regular board meeting is scheduled for October 15, 2009, please prepare and submit Board items before the following absolute cutoff dates.

Date agenda items are due to the Director of Procurement and Materials

Management for signature and preparation: October 5, 2009

Date Board letters are due to the Executive Director: 1:00 p.m., October 8, 2009

Adjournment

A motion was made by Cynthia Santos, seconded by Gloria Alitto Majewski, that when the Board adjourns it adjourns to meet on Thursday, October 15, 2009, at 10:00 a.m. and that today's meeting be adjourned. The motion carried by the following roll call vote:

/s/ Jacqueline Torres
Clerk

Aye: 9 - Frank Avila, Patricia Horton, Gloria Alitto Majewski, Barbara J. McGowan, Kathleen Therese Meany, Cynthia M. Santos, Debra Shore, Mariyana T. Spyropoulos, Terrence J. O'Brien

APPROVAL:

In accordance with the provisions of 70ILCS 2605/4, each of the foregoing agenda items duly adopted by the Board of Commissioners of the Metropolitan Water Reclamation District of Greater Chicago this October 1, 2009, are hereby approved.

APPROVED:

/s/ Terrence J. O'Brien
President Board of Commissioners of the
Metropolitan Water Reclamation District of Greater Chicago

October 1, 2009